

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

KIRK SZOPINSKI,

Plaintiff,

v.

Case No. 14-cv-1302

MARTHA BREEN, et al.

Defendants.

ORDER

On July 15, 2015, I screened plaintiff's amended complaint and allowed him to proceed on claims against defendants Mary Sauvey, Martha Breen, and Brett VandeWalle. I ordered defendants to file an answer by September 14, 2015.

On August 4, 2015, plaintiff filed a motion for summary judgment. Pursuant to the Federal Rules of Civil Procedure, defendants' response to plaintiff's motion is due September 4, 2015, more than a week before their answer to the amended complaint is due.

On August 31, 2015, defendants filed a motion seeking an extension of the deadline to respond to plaintiff's motion. Defendants explain that, after they engage in investigation and discovery, they plan to file their own motion for summary judgment in accordance with whatever timetable I set in this case. Defendants state that the information and documents they will use in support of their own motion will likely be the same information and documents they will need to respond to plaintiff's motion. As such, defendants ask that I revise the deadline for their response to plaintiff's motion to coincide with the deadline I eventually set for all dispositive motions.

Plaintiff's motion for summary judgment is premature. Defendants have not responded to his amended complaint and no discovery has occurred. Rather than extending defendants' deadline to respond, I will deny plaintiff's motion for summary judgment without prejudice. After defendants file an answer to plaintiff's amended complaint, I will enter a scheduling order setting forth deadlines for discovery and dispositive motions. As will be explained in that order, plaintiff may engage in discovery pursuant to Federal Rules of Civil Procedure 26, 33, and 34. Plaintiff may re-file his motion for summary judgment by the dispositive motion deadline as it is currently drafted, or he may supplement and/or revise his motion based on information obtained through discovery. Denying plaintiff's motion now and requiring him to re-file it after the parties have had an opportunity for discovery will allow the parties to fully, effectively, and efficiently present their arguments and will preserve the parties' and court's time and resources.

IT IS THEREFORE ORDERED that plaintiff's motion for summary judgment (Docket #30) is **DENIED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that defendants' motion for an extension of time (Docket #32) is **DENIED**.

Dated at Milwaukee, Wisconsin, this 2nd day of September, 2015.

s/ Lynn Adelman

LYNN ADELMAN
District Judge